

HB0176/103424/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 176
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety; in line 3, strike the opening parenthesis; in the same line, strike the closing parenthesis; strike beginning with “requiring” in line 4 down through “purposes;” in line 6 and substitute “requiring the Correctional Training Commission to adopt certain regulations for the training, issuance, and use of body-worn cameras; requiring each correctional unit to develop and maintain a certain written policy for the use of body-worn cameras by correctional officers, subject to a certain exception; establishing that it is lawful for a correctional officer to intercept certain communications by use of a body-worn camera under certain circumstances;”; in line 14, after “Commissioner” insert “of Labor and Industry”; in lines 16 and 17, strike “the Maryland Occupational Safety and Health Act” and substitute “public employee safety and health”; in line 20, strike “2-104(b),”; in the same line, strike “5-202,” and substitute “5-202(b)(1), 5-205(h),”; in the same line, strike “5-208,”; in line 21, strike “5-702, 5-804, 5-811,” and substitute “5-702(a),”; and after line 17, insert:

“BY adding to

Article – Correctional Services

Section 8-211

Annotated Code of Maryland

(2017 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings

Section 10-402(c)(11)

Annotated Code of Maryland

(2020 Replacement Volume and 2024 Supplement)”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

“Article – Correctional Services

8-211.

(A) ON OR BEFORE JANUARY 1, 2026, THE COMMISSION SHALL ADOPT REGULATIONS FOR THE TRAINING, ISSUANCE, AND USE OF A BODY-WORN CAMERA BY A CORRECTIONAL OFFICER THAT ADDRESSES:

(1) THE TESTING OF BODY-WORN CAMERAS TO ENSURE ADEQUATE FUNCTIONING;

(2) THE PROCEDURE FOR THE CORRECTIONAL OFFICER TO FOLLOW IF THE CAMERA FAILS TO PROPERLY OPERATE AT THE BEGINNING OF OR DURING THE CORRECTIONAL OFFICER’S SHIFT;

(3) WHEN RECORDING IS MANDATORY;

(4) WHEN RECORDING IS PROHIBITED;

(5) WHEN RECORDING IS DISCRETIONARY;

(6) WHEN RECORDING MAY REQUIRE CONSENT OF A SUBJECT BEING RECORDED;

(7) WHEN A RECORDING MAY BE ENDED;

(8) PROVIDING NOTICE OF RECORDING;

(9) ACCESS TO AND CONFIDENTIALITY OF RECORDINGS;

(10) THE SECURE STORAGE OF DATA FROM A BODY-WORN CAMERA;

(11) REVIEW AND USE OF RECORDINGS;

(12) RETENTION OF RECORDINGS;

(13) DISSEMINATION AND RELEASE OF RECORDINGS;

(14) NOTIFICATION REQUIREMENTS WHEN ANOTHER INDIVIDUAL BECOMES A PARTY TO THE COMMUNICATION FOLLOWING THE INITIAL NOTIFICATION;

(15) SPECIFIC PROTECTIONS FOR INDIVIDUALS WHEN THERE IS AN EXPECTATION OF PRIVACY IN PRIVATE OR PUBLIC PLACES; AND

(16) THE PROCEDURES FOR A CORRECTIONAL OFFICER TO FOLLOW IF THE CORRECTIONAL OFFICER REGULARLY INTERACTS WITH MEMBERS OF THE PUBLIC OUTSIDE AS PART OF THE CORRECTIONAL OFFICER'S OFFICIAL DUTIES.

(B) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, EACH CORRECTIONAL UNIT SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.

(2) A POLICY DEVELOPED AND MAINTAINED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE A MANDATORY SUBJECT OF COLLECTIVE BARGAINING WITH THE EMPLOYEE ORGANIZATION CERTIFIED AS EXCLUSIVE REPRESENTATIVE.

(Over)

(C) (1) THIS SUBSECTION APPLIES ONLY TO A LOCAL CORRECTIONAL FACILITY.

(2) A LOCAL CORRECTIONAL FACILITY MAY NOT BE REQUIRED TO ADOPT THE USE OF BODY-WORN CAMERAS BY CORRECTIONAL OFFICERS.

(3) IF A LOCAL CORRECTIONAL FACILITY ADOPTS THE USE OF BODY-WORN CAMERAS, THE LOCAL CORRECTIONAL FACILITY SHALL DEVELOP AND MAINTAIN A WRITTEN POLICY CONSISTENT WITH THE REGULATIONS ADOPTED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION FOR THE USE OF BODY-WORN CAMERAS.

Article – Courts and Judicial Proceedings

10-402.

(c) (11) (i) 1. In this paragraph the following words have the meanings indicated.

2. “Body-worn digital recording device” means a device worn on the person of a law enforcement officer OR A CORRECTIONAL OFFICER that is capable of recording video and intercepting oral communications.

3. “Electronic control device” has the meaning stated in § 4-109 of the Criminal Law Article.

(ii) It is lawful under this subtitle for a law enforcement officer OR A CORRECTIONAL OFFICER in the course of the officer’s regular duty to intercept an oral communication with a body-worn digital recording device or an electronic control device capable of recording video and oral communications if:

1. The law enforcement officer OR CORRECTIONAL OFFICER is in uniform or prominently displaying the officer’s badge or other insignia;

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2. The law enforcement officer OR CORRECTIONAL OFFICER is making reasonable efforts to conform to standards in accordance with § 3–511 of the Public Safety Article OR § 8–211 OF THE CORRECTIONAL SERVICES ARTICLE for the use of body–worn digital recording devices or electronic control devices capable of recording video and oral communications;

3. The law enforcement officer OR CORRECTIONAL OFFICER is a party to the oral communication;

4. Law enforcement OR THE CORRECTIONAL OFFICER notifies, as soon as is practicable, the individual that the individual is being recorded, unless it is unsafe, impractical, or impossible to do so; and

5. The oral interception is being made as part of a videotape or digital recording.

(iii) Failure to notify under subparagraph (ii)4 of this paragraph does not affect the admissibility in court of the recording if the failure to notify involved an individual who joined a discussion in progress for which proper notification was previously given.”;

and strike in their entirety lines 10 through 18, inclusive.

On page 3, in lines 16, 18, 19, 20, and 21, in each instance, strike “governmental unit” and substitute “**PUBLIC BODY**”; and strike beginning with “**(1)**” in line 22 down through “**(F)**” in line 28.

On page 4, in lines 1, 2, and 8, in each instance, strike the brackets; in line 1, strike “**(G)**”; in line 2, strike “**(H) (1)**”; strike in their entirety lines 4 through 7, inclusive; in line 8, strike “**(I)**”; and in line 13, strike “**(J)**” and substitute “**(I)**”.

(Over)

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On page 6, in line 11, strike “governmental units” and substitute “PUBLIC BODIES”; in line 23, strike the colon; strike in their entirety lines 24 and 25; and in line 26, strike “2.”.

On page 7, in line 19, strike “SEND BY E-MAIL” and substitute “MAKE AVAILABLE”; in line 21, strike “ASSISTANT”; and in line 22, strike “FOR PUBLIC EMPLOYEES’ SAFETY AND HEALTH”.

On pages 7 and 8, strike in their entirety the lines beginning with line 27 on page 7 through line 2 on page 8, inclusive.

On page 8, in line 4, strike “governmental unit” and substitute “PUBLIC BODY”; strike in their entirety lines 5 through 10, inclusive, and substitute:

“5-205.

(h) With the consent of a [governmental unit] PUBLIC BODY, the Commissioner may use an employee, facility, or service of the [governmental unit] PUBLIC BODY, with or without reimbursement, to help the Commissioner carry out a function under this title.”;

in line 12, strike “(1)”; strike beginning with the first “THE” in line 12 down through “(3)” in line 16 and substitute a comma; in lines 20 and 21, in each instance, strike “ASSISTANT”; and strike beginning with “, SUBJECT” in line 21 down through “COMMISSIONER,” in line 22.

On page 9, in lines 2, 3, and 27, in each instance, strike “ASSISTANT”; in line 10, strike the colon; strike in their entirety lines 11 through 20, inclusive; and in line 21, strike “(V)”.

On page 10, after line 11, insert:

“(3) ON OR BEFORE JULY 1 EACH YEAR, THE COMMISSIONER SHALL SUBMIT THE REPORT REQUIRED TO BE PUBLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT ARTICLE.”.

On pages 10 and 11, strike in their entirety the lines beginning with line 28 on page 10 through line 31 on page 11, inclusive.

On page 12, in lines 16 and 17, in each instance, strike “ASSISTANT”; and strike beginning with “OF” in line 16 down through “HEALTH” in line 17.

On page 13, in lines 24 and 25, strike “SEND BY E-MAIL” and substitute “**MAKE AVAILABLE**”.

On pages 13 and 14, strike in their entirety the lines beginning with line 29 on page 13 through line 3 on page 14, inclusive.

On page 15, strike in their entirety lines 7 through 15, inclusive.

On pages 15 and 16, strike in their entirety the lines beginning with line 18 on page 15 through line 28 on page 16, inclusive.